

DIST/OFFICE	YR.	NUMBER	MO.	DAY	YEAR	N/S	O	R	23	\$	DEMAND	OTHER	JUDGE NUMBER	JURY DEM.	YR.	NUMBER
1085/4	76	0372	07	08	76	4	190	1	14	20			8509 8510	R	76	0372-B C

PLAINTIFFS

DEFENDANTS

DON E. WELCH

B

ROY B. MORAN AND JANE MORAN

CAUSE

28 U.S.C. 1332 Action to recover liquidated damages, expenses and attorney's fees for breach of contract to purchase real estate.

ATTORNEYS

C. Rabon Martin
Jay C. Baker
1850 South Boulder
Tulsa, OK 74119
587-1168

Gary M. McDonald
Sam P. Daniel, Jr.
1200 Atlas Life Bldg.
Tulsa, OK 74103
582-1211

☐ CHECK
HERE
IF CASE WAS
FILED IN
FORMA
PAUPERIS

FILING FEES PAID

DATE

RECEIPT N

C.D. NUMBER

STATISTICAL CARDS

CARD

DATE MAILED

JS-5

08-01-76

JS-6

11-1-79

PROCEEDINGS

DATE 1976	NR.	
7-8 7-16	1.	Complaint, filed. Summons issued.k <u>JURY TRIAL DEMANDED.</u> Summons, ret. & filed: Roy B. and Jane Moran, Dallas, Tx. on 7-9-76. (USM \$10.76)g
7-30	2.	Defts' appl. for time til 8-14-76 to plead or answer, filed.k
7-30	3.	Order, filed, granting defts. til 8-14-76 to plead or answer. (JCS-Clk)k cps mld
8-6	4.	Defts' first interrogs. to pltf., filed.k
8-6	5.	Defts' motion to produce, filed.k
8-13	6.	Defts' application for enlargement of time within which to answer (till 8-30-76), filed.s O to J
8-17	7.	Order, filed, granting defts. till 8-30-76 to ans.s (AEB-J) cps. mld.
9-7	8.	Defts. application for enlargement of time till 9-21-76 to ans., filed s. O to J.
9-8	9.	Order, filed, granting defts. Roy B. Moran and Jane Moran until 9-21-76 to ans., (AEB-J)S cps. mld.
9-17	10	Pltf's answer to interrogatories, filed.k
9-17	11	Pltf's response to mot. to produce, filed.k
9-21	12.	Ans. of Defts., fld. v
10-18	MO:	Parties are directed to hold PT conf. on or before 11-29-76 & file PT Order on or before 12-6-76. (AEB-J)k cps by cert ml
11-19	13.	Pltf's appl. to amend compl., filed w/ brief included.k
11-19	MO	It is ordered by the Court that the defts. file a responsive brief w/in 10 days to pltf's appl. to amend compl. (AEB-J)k cps mld
11-29	14.	Defts. application for enlargment of time within which to answer, filed.s O to J
12-1	15	Order, filed, granting defts. until 12-9-76 to answer defts' appl. to amend complaint. (AEB-J)g cp mld.
12-9	16.	Defts' application for ext. of time to respond to Pltf's application for leave to amend his Complaint, filed.s O to J
12-10	17	Order, filed, granting defts. til 12-19-76 to respond to pltf's appl to amend compl. (AEB-J)k cps mld
12-20	18.	Response to Plaintiff's application for leave to amend his complaint, filed.b
<u>1977</u>		
4-15	MO	The Court has for consideration the appl filed by the pltf. to amend his compl., the brief in support and opposition thereto, and having carefully perused the entire file, and, being fully advised in the premises, finds that said appl. should be granted. IT IS, THERE- FORE ORDERED that pltf's appl. to amend his compl. be and the same is hereby granted and pltf. is ordered to file his amended compl. w/in 5 days from this date. (AEB-J)k cps mld
4-22	19	Amended complaint, filed.k cps mld
5-4	20	Defts. appl. for enlargement of time w/in which to answer amended compl. fld. O to J. ho
5-9	21.	Order, filed, granting defts. til 5-19-77 to answer pltf's amended complaint. (AEB-J)k cps mld
5-19	22	Defts. appl. for ext. of time to ans. amended compl. fld. O to J. ho

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 76-C-372-BC
Don E. Welch		Roy B. Moran & Jane Moran	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
5-24	23	Order, filed, granting Defts' to & including May 24, 1977, in which to file their Answer to Pltf's amended complaint. (AEB-J)b cps mld	
5-25	24	Defts. ans. to amended compl. fld. ho	
6-14	MO:	Parties are directed to hold PT conf. on or before 7-26-77 and file PT Order on or before 8-2-77. (AEB)k ntc mld	
8-26	MO:	Case set for disposition for failure of parties to file PTO on 9-8-77, at 10:00 A.M. (AEB-J)b nts cert ml	
8-29	25	Defts. appl. for judicial enforcement of compromise & settlement agreement & order barring further proceedings. fld. ho	
8-29	26	Defts. brief in supp. of appl. for judicial enforcement of compromise & settlement agreement & order barring further proceedings. fld. ho	
8-30	MO	It is ordered that the Pltf. file a responsive brief w/in 5 days to Defts. appl. for judicial enforcement of compromise and settlement agreement & order barring further proceedings. (AEB-J) cps mld. ho	
9-2	27.	Pltf's response to appli. for judicial enforcemnt of compromise and settlement agreemnt and order barring further proceedings, filed. lm	
9-7	28	Pltf. mot. for S/J. fld. ho	
9-7	29	Pltf. brief in supp. of mot. for S/J. fld. ho	
9-7	30	Pltf. affid. of Don E. Welch in supp. of mot. for S/J. fld. ho	
9-7	MO	It is ordered that the Defts. file a responsive brief w/in 10 days to Pltf. mot. for S/J. (AEB-J) cps mld. ho	
9-8		Case called for dispostion failure of parties to file PTO. Parties present. Upon Ct. being advised of motion filed by Pltf., Court refers matter to Mag. Rizley for hearing & recommendation to Ct. Upon request of Deft. Ct. states Deft. need not file response to motion at this time. (AEB-J)b	
9-12	MO:	Case set for hearing for failure of parties to file PTO before Mag. R. Rizley on 9-22-77, at 10:45 A.M. (RSR-Mag) b nts mld	
9-22		Case called for hearing on application of Pltf. to enforce settlement agreement. Hearing is passed to 10-7-77, pending the taking of the deposition of the pltf. (RSR-Mag) b	
9-28	MO	Case set for hrg. on pltf's appl. to enforce settlement agreement before Mag. Rizley on 10-7-77 at 10:00 a.m. (RSR-Mag)k ntc by KT	
10-7		Case called for hearing applic. to enforce settlement agreement. Parties present. Deft's application overruled. Deft. granted 15 days to respond to pltf's brief in support of motion for S/J. Pltf. granted 10 days thereafter to reply; PTO to be furnished by parties w/in 15 days. PTF to prepare F & R of Mag. in 10 days (RSR-Mag) b	
10-25	31	Defts. mot. for S/J. fld. ho	
10-25	32	Defts. brief in response to Pltfs. mot. for S/J & in supp. of Defts. mot. for S/J. fld. ho	
10-26	MO	It is ordered that the Pltf. is granted 10 days to file a responsive brief to Defts. mot. for S/J. (AEB-J) cps mld. ho	
10-26	33.	Pre-trial Order, filed. (AEB-J)k	
11-23	34.	Pltf's appl. for 20 days to respond to defts' mot. for S/J, filed.k O	
11-23	35.	Order, filed, granting pltf. until 12-13-77 to respond to defts' mot. for S/J. (AEB-J)k cps mld to movant	
12-1	36	Pltf. brief in response to Defts. mot. for S/J. fld. ho	
12-6	37.	Findings & Recommendations of the Magistrate, filed. Mag. recommends that the defts' appl. for judicial enforcement of compromise in settlement agreement and order barring further proceedings should be overruled. (RSR-Mag)k cps mld	

CIVIL DOCKET CONTINUATION SHEET

B

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
12-22	38	Order, fld. that Defts. appl. for judicial enforcement of compromise in settlement agreement & order barring further proceedings is overruled. (AEB-J) cps mld. ho	
3-9-78	MO:	Case set for hearing before Mag. Rizley on defts' motion for S/J, on 3-20-78, at 2:45 P.M. (RSR-Mag) b nts by KT	
3-20		Case called for hearing before Mag. Rizley on pltf's motion for S/J, & deft's motion for S/J. Parties present. Mag. recommends pltf's motion be overruled. deft's motion sustained. Deft. to prepare F&R of Mag. in 10 days. Simultaneous briefs to be filed on the issue of attorneys fees & expenses w/in 10 days. Pltf. is to prepare an amended pretrial order w/in 10 days following the ruling of the Court on Attorneys fees and expenses. (RSR-Mag) b	
4-14	39	Findings & Recommendations of the Mag., filed. Mag. recommends that defts' mot. for S/J as to pltf's amended compl. be sustained, and that pltf's mot. for S/J be denied. Further, that pltf. be granted leave of Court to amend his compl. w/ respect to the remedy sought by filing an amended pre-trial order w/in 10 days from the date of entry of the Court's Order herein. (RSR-Mag)k cps mld	
4-25	40	Order, filed, that motion for S/J of Defts as to Pltf's amended complaint is hereby sustained with leave granted to Pltf. to amend his Complaint in accordance herewith with respect to the remedy prayed for by fileing herein an Amended Pre-trial order w/in 10 days from the date hereof, & that Pltf's motion for S/J is hereby denied. (AEB-J)b cps mld	
5-4	41	Pltf. second amended compl., with atty. lien claimed, fld. ho	
5-12	42	Amended PTO, fld. (AEB-J)ho c/m	
5-19	MO:	Case set for jury trial on 6-12-78 at 9:30 a.m. (AEB-J)ho nts. cert. w/affid.	
6-5	43	Defts. mot. for S/J, fld. ho	
6-5	44	Defts. brief in supp. of mot. for S/J. fld. ho	
6-6	MO	It is ordered that the Pltf. is granted 10 to file a responsive brief to Defts. mot. for S/J. IT IS FURTHER ORDERED that this case is stricken from the jury trial docket set on 6-12-78 at 9:30 a.m. (AEB-J)ho cps mld	
6-6	45	Pltf's trial memorandum, filed.k <i>replied to by 1/2</i>	
8-9	MO	Case referred to Mag. Robert Rizley pursuant to Order M-128. (AEB-J)k	
9-5	MO:	Case set for hearing before Mag. on defts' motion for S/J on 9-18-78, at 10:30 A.M. (RSR-Mag) b nts by KT	
9-18	MO	Hrg. before the Mag. on defts' mot. for S/J set for 10:30 a.m. is passed to disposition docket on 9-21-78 at 11:00 a.m. (RSR-Mag)k	
9-21		Case called for hearing defts' motion for summary judgment. Parties pres. Hrg. held. Mag. recommends defts' motion for S/J be overruled. Pltf. to prepare F&R & proposed order in 10 days. Pltf. announces he is agreeable to case being referred to Mag. for jury trial. Deft. anticipates agreement to referral & will advise Court after consulting with client. (RSR-Mag)b	
10-31	46.	Findings & Recommendations of the Mag., filed. Mag. recommends that defts' mot. for S/J be overruled. (RSR-Mag)k cps mld	
11-15	47	Order, filed, that defts' mot. for S/J is overruled. (AEB-J)k cps mld	
12-4	mo	Case set for jury trial 1-8-79, 9:30 A.M. (AEB-J)b nts cert w/affid	

CIVIL DOCKET CONTINUATION SHEET

FPI-MAR

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE 1979	NR.	PROCEEDINGS	
1-2	48	Deft. request for adm. of material fact, fld. ho	
1-4	--	Deposition of Don E. Walch, taken on behalf of defts., on 12-27-78, before Evelyn E. Rutherford, CSR, filed.k	
1-8	49	Joint waiver of right to jury trial & mot. to strike cause from jury docket. fld. ho	
1-8	MO	The parties having agreed to waiver jury, IT IS ORDERED that this case is stricken from the jury docket set for 1-8-79, to be reset on the next non-jury docket. (AEB-J)ho counsel notified by M.C.	
3-16	MO	Case transferred to Judge H. Dale Cook. (JCS-Clk)k	
7-6	MO:	ORDER, case is transferred to Judge Clarence A. Brimmer. (HDC-J)b	
7-6	MO:	N/J trial set 9-10-79, 9:30 A.M. Trial briefs/due 8-29-79. (CAB-J)b & sugg. F/F & C/L nts mld	
8/7	MO:	Case stricken from Jury docket of 9/10/79 and reset for NON-JURY TRIAL ON 9/24/79 at 9:30 A.M. Suggested F/F & C/L and trial briefs, to be filed on or before 8/29/79. Parties to mail copies of all pldgs. to Judge Brimmer. (CAB-J)v c/m	
8-29	50	TRIAL BRIEF of Defts. Roy B. Moran & Jane Moran, ho	
8-29	51	PROPOSED F/F & C/L of Defts. Roy & Jane Moran. ho	
9-6	52	RESPONSE of pltf. to req/adm. rm - c/m both parties	
9/13	-	File to Brimmer. v	
9/19	53.	Defts.' Mot. for S/J. v	
9/19	54.	Brief in support. v	
9/24	-	NON-JURY TRIAL HELD. Defts. announce the filing of their mot. for S/J. Court acknowledges the late filing & denies said motion as untimely-done on 9/24/79.	
9/25		9/25/79, N/J Trial held. Court finds in favor of Pltf. that the issue of a penalty of \$5,000.00 for liquidated damages is void. Court further finds in favor of the Plaintiff and assesses expenses as itemized in Plaintiff's Trial Exhibit LL, less \$841.31, less \$1,835.70, and less \$47.70, leaving a total amount of \$13,725.48, plus interest and plus attorney's fees of \$4,000.00. Jay Baker for the Plaintiff is to prepare the Judgment. (Clarence A. Brimmer, Judge) (Glen Dorrough, Reporter)v	
9/28	55.	BILL OF COSTS. Hrg. set for 10/10/79 at 10:00 A.M. v	
10-10	MO:	Upon advice of pltf's counsel that counsel for deft has no objections to taxing costs without hrg, COST HRG STRICKEN & costs taxed against defts in amt of \$81.01. (JCS-CC)ra	

B

PLAINTIFF	DEFENDANT	DOCKET NO. _____
DON E. WELCH	ROY B. & JANE MORAN	PAGE <u>6</u> OF <u>3</u> PAGES

DATE 1979	NR.	PROCEEDINGS
10-25	56	FINDINGS/FACT & CONCLUSIONS/LAW that judg. be entered for pltf. & against defts. (CAB-J)k cps mld
10-25	57	JUDGMENT in favor of pltf. & against defts. for \$20,484.87 plus costs of \$81.01, all of which shall bear interest at 12% per annum until paid. Entered. (CAB-J)k cps mld
1980 7-7	58	RELEASE and satisfaction of judgment.mm
8-6	--	DEPOSITIONS & EXHIBITS returned to parties. hm